IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1722 of 2005

Between:

1 Mr.Eswara Reddy S/o M.Munaswamy Reddy
R/o Kattamanchi, Chittoor, Chittoor District.
2 G.Kesavulu Reddy S/o G.Subba Reddy
R/o Gundlapalle Village, Irala Mandal, Chittoor District.
3 K.Ananda Pillai S/o K.Jayaram Pillai
R/o Dairy Qts., Chittoor, Chittoor District.
4 A.Mohan Velu S/o A.Ramaswamy Chatty
R/o Thavanampalle Village & Mandal Chittoor District.
5 S.Ranganyakulu s/o Narasimhulu Chetty
R/o Greamspet, Chittoor Chittoor District.
6 H.Venkata Ramana Rao S/o Hanumachala Rao
R/o Greamspet, Chittoor Chittoor District.
7 S.Mahaboob Basha S/o S.Kasim Saheb
R/o Chittoor Chittoor District.
8 C.S.Janardhan S/o C.A.Srinivasulu
R/o Ramnagar Colony, Chittoor Chittoor District.
9 D.Devarajulu Naidu S/o D.Govindaswamy Naidu
R/o Reddigunta Village, Chittoor Mandal, Chittoor District.
10 V.Mohan Naidu S/o V.Ekambaram Naidu
R/o Reddygunta Village,Chittoor Mandal Chittoor District.
11 G.Paradesaiah S/o G.Venkataswamy
R/o Greamspet, Chittoor Chittoor District.
12 S.Narayanaswamy S/o Ramappa
R/o Anantapur, Anatapur District All the Ex-employees of Chittoor

District Co-opertative Milk Producers Union Ltd., Chittoor)

..... PETITIONERS

AND

Government of Andhra Pradesh rep.by its Principal Secretary Public

Enterprises Department Secretariat Building, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ or order or directions, directing the respondent to pay damages/interest to the petitioners for illegally withholding the VRS amounts of the petitioners from January 2003 to July 2004 for which the petitioner entitled as per law by declaring the inaction of respondent in paying the amounts to the petitioners in the form of damages/interest for illegally withholding the VRS amounts of petitioners from January 2003 to July 2004 as illegal, arbitrary and unjust.

Counsel for the Petitioners: MR.S.RAMA MOORTHY REDDY

Counsel for the Respondent : GP FOR INDUSTRIES & COMMERCE

The Court at the stage of admission made the following :

ORDER:

The writ petition is filed seeking a direction to the respondent to pay the damages/interest to the petitioner, considering the representation dated 04-12-2003, for illegally withholding the VRS amounts of the petitioners from January 2003 to July 2004, for which they are entitled to as per the G.O.Ms.No.49 Public Enterprises (1) Department, dated 23-12-2002.

The learned counsel for the petitioners contended that the petitioners are entitled to the damages/interest for illegally withholding their payments of VRS scheme by the respondent and as per the direction of this court in W.P.No.2474 of 2003 dated 26-09-2003, the respondent is bound to pay the VRS benefits within a period of six weeks from the date of the order, but that amount has not been paid and, therefore, the petitioners are entitled to the payment of damages/interest.

On the other hand, the learned Government Pleader for Industries and Commerce submitted that there is no stipulation for payment of damages/interest in the VRS scheme and there is no obligation on the respondent even to consider the representation filed by the petitioners. Hence, he prays to dismiss the writ petition.

No doubt, in W.P.No.2474 of 2003 dated 26-09-2003 on a prayer to direct the respondents therein to pay the amounts to all the petitioners therein on par with the E.P.F. employees under Voluntary Retirement Scheme in lieu of the retrenchment of the petitioner before the retirement by implementing the G.O.Ms.No.49 Public Enterprises (1) Department dated 23-12-2002, a direction has been given by this Court directing the respondents therein to pay the benefits under VRS to the petitioners therein on par with the EPF employees in addition to the pensionary benefits payable under the Pension Rules within a period of six weeks from the date of receipt of that order. But, in the present writ petition, the pay master i.e., under which the petitioners worked, has not been made party in this Writ Petition. Whether the respondent is liable for damages/interest for illegal withholding of VRS amounts of the petitioners from January 2003 to July 2004 is required to be pleaded and established before the competent Court of law.

Therefore, the writ petition is devoid of merit and the same is, accordingly, dismissed at the stage of admission.

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K.C.BHANU, J.

Dated 04-02-2005.

SKMR

..... REGISTRAR

To

1) The Principal Secretary, Government of Andhra Pradesh, Public Enterprises Department, Secretariat Building, Hyderabad.

2) 2 CCs to G.P. for Industries and Commerices, High Court Buildings, Hyderabad (OUT).

3) 2 CD copies